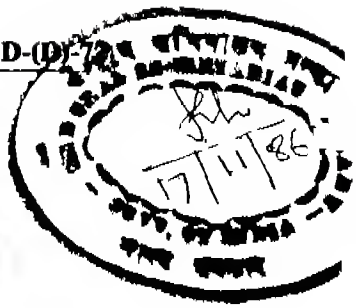
रजिस्ट्री सं. डी-(डी)-72 REGISTERED No. D-(D)-72



भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 38] नई दिल्ली, बुधवार, अगस्त 20, 1986/श्रावण 29, 1908
No. 38] NEW DELHI, WEDNESDAY, AUGUST 20, 1986/SRAVANA 29, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 20th August, 1986.

I

BILL NO. XXX OF 1986

A Bill further to amend the Suppression of Immoral Traffic in Women and Girls Act, 1956.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1986

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of long title.

2. In the Suppression of Immoral Traffic in Women and Girls Act, 1956 (hereinafter referred to as the principal Act), in the long title, for the words "the suppression of immoral traffic in women and girls", the words "the prevention of immoral traffic" shall be substituted.

104 of 1956.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*1*), for the words "the Suppression of Immoral Traffic in Women and Girls", the words and brackets "the Immoral Traffic (Prevention)" shall be substituted

Substitution of references to certain expressions by certain other expressions.

4. Throughout the principal Act [except in section (*3*) and (*4*) of section 6], unless otherwise expressly provided, for the words "women and girls" and "woman or girl", wherever they occur, the words "persons" and "person" shall respectively be substituted, and such other consequential amendments as the rules of grammar may require shall also be made.

Amendment of section 2.

5. In section 2 of the principal Act,—

(*a*) in clause (*a*), for the words "of prostitution", the words "of sexual exploitation or abuse" shall be substituted;

(*b*) after clause (*a*), the following clause shall be inserted, namely:—

'(*aa*) "child" means a person who has not completed the age of sixteen years;';

(*c*) existing clause (*aa*) shall be re-lettered as clause (*b*) thereof, and in clause (*b*) as so re-lettered, for the words "female undertrials", the word "undertrials" shall be substituted;

(*d*) existing clause (*b*) shall be omitted;

(*e*) after clause (*c*), the following clauses shall be inserted, namely:—

'(*ca*) "major" means a person who has completed the age of eighteen years;

(*cb*) "minor" means a person who has completed the age of sixteen years but has not completed the age of eighteen years;';

(*f*) for clause (*f*), the following clause shall be substituted, namely:—

'(*f*) "prostitution" means the sexual exploitation or abuse of persons for commercial purposes and the expression "prostitute" shall be construed accordingly;'.

(*g*) in clause (*g*),—

(*i*) in the opening portion after the words "kept under this Act", the words "and where appropriate technically qualified persons, equipment and other facilities have been provided" shall be inserted;

(*ii*) in sub-clause (*i*) for the words "female undertrials", the word "undertrials" shall be substituted

(*h*) for clause (*j*), the following clause shall be substituted namely:—

'(*j*) "trafficking police officer" means a police officer appointed by the Central Government under sub-section (*4*) of section 13'.

Amendment of section 3.

6. In section 3 of the principal Act, after sub section (2), the following sub-section shall be inserted, namely:—

"(2A) For the purposes of sub-section (2), it shall be presumed, until the contrary is proved, that any person referred to in clause (a) or clause (b) of that sub-section, is knowingly allowing the premises or any part thereof to be used as a brothel or, as the case may be, has knowledge that the premises or any part thereof are being used as a brothel, if,—

(a) a report is published in a newspaper having circulation in the area in which such person resides to the effect that the premises or any part thereof have been found to be used for prostitution as a result of a search made under this Act; or

(b) a copy of the list of all things found during the search referred to in clause (a) is given to such person.".

Amendment of section 4.

7. In section 4 of the principal Act, in sub-section (1),—

(a) for the words "a woman or girl", the words "any other person" shall be substituted;

(b) after the words "or with both", the words "and where such earnings relate to the prostitution of a child or a minor, shall be punishable with imprisonment for a term of not less than seven years and not more than ten years" shall be inserted.

Amendment of section 5.

8. In section 5 of the principal Act,—

(a) in sub-section (1), for the portion beginning with the words "shall be punishable" and ending with the words "two thousand rupees", the following shall be substituted, namely:—

"shall be punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine which may extend to two thousand rupees, and if any offence under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years:

Provided that if the person in respect of whom an offence committed under this sub-section,—

(i) is a child, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years but may extend to life; and

(ii) is a minor, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years and not more than fourteen years;";

(b) sub-section (2) shall be omitted.

Amendment of section 6.

9. In section 6 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening portion, for the words "any woman or girl, whether with or without her consent", the words "any other person, whether with or without his consent" shall be substituted;

(*ii*) in clause (*b*), for the words "that she may have sexual intercourse with any man other than her lawful husband", the words "that such person may have sexual intercourse with a person who is not the spouse of such person" shall be substituted;

(*iii*) for the portion beginning with the words "on first conviction" and ending with the words "two thousand rupees", the following shall be substituted, namely:—

"on conviction, with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.";

(*b*) for sub-section (*2*), the following sub-sections shall be substituted, namely:—

"(*2*) Where any person is found with a child in a brothel, it shall be presumed, unless the contrary is proved, that he has committed an offence under sub-section (*1*).

(*2A*) Where a child or minor found in a brothel, is, on medical examination, detected to have been sexually abused, it shall be presumed, unless the contrary is proved, that the child or minor has been detained for purposes of prostitution or, as the case may be, has been sexually exploited for commercial purposes.".

Amendment of section 7.

10. In section 7 of the principal Act,—

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Where an offence committed under sub-section (*1*) is in respect of a child or minor, the person committing the offence shall be punishable with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.";

(*b*) in sub-section (*2*), for the words "which may extend to two hundred rupees", the following shall be substituted, namely:—

'which may extend to two hundred rupees, and if the public place or premises happen to be a hotel, the licence for carrying on the business of such hotel under any law for the time being in force shall also be liable to be suspended for a period of not less than three months but which may extend to one year:

Provided that if an offence committed under this sub-section is in respect of a child or minor in a hotel, such licence shall also be liable to be cancelled.

Explanation.—For the purposes of this sub-section, "hotel" shall have the meaning as in clause (*6*) of section 2 of the Hotel-Receipts Tax Act, 1980.'.

54 of 1980.

11. To section 8 of the principal Act, the following proviso shall be added, namely:— Amendment of section 8.

"Provided that where an offence under this section is committed by a man, he shall be punishable with imprisonment for a period of not less than seven days but which may extend to three months.".

12. In section 9 of the principal Act,— Amendment of section 9.

(*a*) in sub-section (*1*),—

(*i*) the brackets and figure "(*1*)" shall be omitted;

(*ii*) for the portion beginning with the words "shall be punishable" and ending with the words "one thousand rupees", the following shall be substituted, namely:—

"shall be punishable on conviction with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.";

(*b*) sub-section (*2*) shall be omitted.

13. Sections 10 and 12 of the principal Act shall be omitted. Omission of sections 10 and 12.

14. In sub-section (*1*) of section 10A of the principal Act, in clause (*a*), the words, brackets and figures "and is not released under sub-section (*1*) or sub-section (*2*) of section 10" shall be omitted. Amendment of section 10A.

15. In section 13 of the principal Act, after sub-section (*3*), the following sub-section shall be inserted, namely:— Amendment of section 13.

"(4) **The Central Government may, for the purposes of investigating any offence under this Act or under any other law for the time being in force dealing with sexual exploitation of persons and**

committed in more than one State, appoint such number of police officers as trafficking police officers and they shall exercise all the powers and discharge all the functions as are exercisable by special police officers under this Act with the modification that they shall exercise such powers and discharge such functions in relation to the whole of India.".

Amendment of section 15.

16. In section 15 of the principal Act,—

(*a*) after the words "special police officer", wherever they occur, the words "or the trafficking police officer, as the case may be," shall be inserted;

(*b*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) The special police officer or the trafficking police officer, as the case may be, entering any premises under sub-section (*1*), shall be entitled to remove therefrom all the persons found therein.";

(*c*) after sub-section (*5*), the following sub-section shall be inserted, namely:—

'(*5A*) Any person who is produced before a magistrate under sub-section (*5*), shall be examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted diseases.

Explanation.—In this sub-section, "registered medical practitioner" has the same meaning as in the Indian Medical Council Act, 1956.'; 102 of 1956.

(*d*) after sub-section (*6*), the following sub-section shall be inserted, namely:—

'(*6A*) The special police officer or the trafficking police officer, as the case may be, making a search under this section shall be accompanied by at least two women police officers, and where any woman or girl removed under sub-section (*4*) is required to be interrogated, it shall be done by a woman police officer and if no woman police officer is available, the interrogation shall be done only in the presence of a lady member of a recognised welfare institution or organisation.

Explanation.—For the purposes of this sub-section and section 17A, "recognised welfare institution or organisation" means such institution or organisation as may be recognised in this behalf by the State Government.'.

Amendment of section 16.

17. In sub-section (*1*) of section 16 of the principal Act, for clauses (*a*) and (*b*), the words "any person is living, or is carrying on, or is being made to carry on, prostitution in a brothel," shall be substituted.

Amendment of section 17.

18. In sub-section (*3*) of section 17 of the principal Act, for the words "Provided that", the following shall be substituted, namely:—

"Provided that where a person rescued under section 16 is a child or minor, it shall be open to the magistrate to place such child

or minor in any institution established or recognised under any Children Act for the time being in force in any State for the safe custody of children:

Provided further that,".

Insertion of new section 17A.

19. After section 17 of the principal Act, the following section shall be inserted, namely:—

Conditions to be observed before placing persons rescued under section 16 to parents or guardians.

"17A. Notwithstanding anything contained in sub-section (2) of section 17, the magistrate making an inquiry under section 17 may, before passing an order for handing over any person rescued under section 16 to the parents, guardian or husband, satisfy himself about the capacity or genuineness of the parents, guardian or husband to keep such person by causing an investigation to be made by a recognised welfare institution or organisation.".

Amendment of section 18.

20. In section 18 of the principal Act,—

(*a*) in sub-section (*1*), in clause (*b*), after the words "period of one year", the words and figures ", or in a case where a child or minor has been found in such house, room, place or portion during a search under section 15, during the period of three years," shall be inserted;

(*b*) in sub-section (*3*), for the words "expiry of one year", the words "expiry of one year or three years, as the case may be" shall be substituted.

Insertion of new section 21A.

21. After section 21 of the principal Act, the following section shall be inserted, namely:—

Production of records.

"21A. Every person or authority who is licensed under sub-section (*3*) of section 21 to establish or maintain, or, as the case may be, for maintaining, a protective home or corrective institution shall, whenever required by a court, produce the records and other documents maintained by such home or institution before such court.".

Insertion of new section 22AA.

22. After section 22A of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to establish special courts.

"22AA. (*1*) **If the Central Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act and committed in more than one State, it may, by notification in the Official Gazette and after consultation with the High Court concerned, establish one or more courts of Judicial Magistrates of the first class or Metropolitan Magistrates for the trial of such offences.**

(*2*) **The provisions of section 22A, shall, so far as may be, apply to the courts established under sub-section (*1*), as they apply to courts established under that section.**".

Amendment of section 23.

23. In sub-section (*2*) of section 23 of the principal Act, for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) the placing in custody of persons for whose safe custody orders have been passed under sub-section (*1*) of section 17 and their maintenance;".

Amendment of the Schedule.

24. In the Schedule to the principal Act, the figures, brackets and words "12 (*4*) Metropolitan Magistrate or Judicial Magistrate of the first class" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Suppression of Immoral Traffic in Women and Girls Act, 1956 was enacted in pursuance of the International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others signed at New York on 9th May, 1950. It was amended in 1978 to make good some inadequacies in the implementation of the Act in the light of experience gained in its implementation. Despite the amendments to the Act in 1978, it has been felt that enforcement of the Act has not been effective enough to deal with the problem of immoral traffic in all its dimensions. Suggestions have been made to Government by voluntary organisations working for women, advocacy groups and various individuals urging the enlargement of the scope of the Act, to make penal provisions more stringent and to provide for certain minimum standards for correctional treatment and rehabilitation of the victims. In view of the aforementioned suggestions, it is proposed to widen the scope of the Act to cover all persons, whether male or female who are exploited sexually for commercial purposes and to make further amendments in the Act. The main amendments proposed are as follows:—

(*a*) it is proposed to change the name of the Act to "The Immoral Traffic (Prevention) Act" in view of the widening of the scope of the Act to cover all persons, whether male or female, who are exploited sexually for commercial purposes;

(*b*) it is proposed to make the offences under the Act involving children and minors more stringent by enhancing the period of imprisonment when offences are committed against children and minors;

(c) trafficking police officers appointed under the Act will be empowered to investigate offences having inter-State ramifications;

(*d*) Licensing authorities are being empowered to cancel licences of hotels where children or minors are detected to be used for purposes of prostitution;

(*e*) in cases of seduction in custody, the punishment is sought to be enhanced to that laid down for rape in the Indian Penal Code;

(f) sections 10 and 12 of the Act providing for the facility of release of convicted persons on probation of good conduct or after due admonition and on security from habitual offenders for good behavlour are proposed to be omitted from the Act;

(*g*) provision is being made for medical examination of all persons removed from a brothel after a search has been carried out under section 15;

(*h*) it is proposed to provide that women or girls removed in pursuance of a search made under section 15 shall be interrogated only by women police officers and where no women police officers are available, they shall be interrogated only in the presence of a woman social worker;

(*i*) enabling provisions are being added in the Act to empower the Central Government to set up special courts with jurisdiction to try offences which have inter-State remifications.

2. The other amendments proposed are minor or consequential in nature.

NEW DELHI;

The 19th August, 1986.

MARGARET ALVA.

FINANCIAL MEMORANDUM

Clause 15 of the Bill which seeks to insert a new sub-section (4) in section 13 of the Suppression of Immoral Traffic in Women and Girls Act, 1956 (hereinafter referred to as the Act) empowers the Central Government to appoint Trafficking Police Officers under sub-section (4) of section 13. According to this provision, such officers will be appointed for purposes of investigation of any offence under the Act or for any other law for the time being in force dealing with sexual exploitation of persons and committed in more than one State.

2. Under clause 22 of the Bill, if the Central Government is satisfied that it is necessary for speedy trial of offences under the Act committed in more than one State, it may be notification establish one or more special courts for the trial of such offences. It is not immediately proposed to set up these new mechanisms as it is considered that for the present, the existing officers/courts may be given these powers. Nevertheless, these enabling provisions may be used by the Central Government at some stage. Expenditure will then be incurred by way of payment of salaries to the trafficking police officers and for setting up of the special courts. It is not possible to indicate the quantum of the expenditure involved at this stage. However, the expenditure that will be incurred in due course will have to be paid out of the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill seeks to substitute clause (b) of sub-section (2) of section 23 of the Suppression of Immoral Traffic in Women and Girls Act, 1956 to empower the State Government to make rules for placing in custody of persons for whose safe custody orders are passed under sub-section (1) of section 17 of the Act and for their maintenance.

2. The delegation of legislative power is normal in character.

II

BILL No. XXVIII OF 1986

A Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Indecent Representation of Women (Prohibition) Act, 1986.

(*2*) It extends to the whole of India, except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "advertisement" includes any notice, circular, label, wrapper or other document and also includes any visible representation made by means of any light, sound, smoke or gas;

(*b*) "distribution" includes distribution by way of samples whether free or otherwise;

(c) "indecent representation of women" means the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent or derogatory to or denigrating women, or is likely to deprave, corrupt or injure the public morality or morals;

(d) "label" means any written, marked, stamped, printed or graphic matter, affixed to, or appearing upon, any package;

(e) "package" includes a box, carton, tin or other container;

(f) "prescribed" means prescribed by rules made under this Act.

Prohibition of advertisements containing indecent representation of women.

3. No person shall publish or cause to be published, or arrange or take part in the publication or exhibition of, any advertisement which contains indecent representation of women in any form.

Prohibition of publication or sending by post of books, pamphlets, etc., containing indecent representation of women.

4. No person shall produce or cause to be produced, sell, let to hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure which contains indecent representation of women in any form:

Provided that nothing in this section shall apply to—

(a) any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure—

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure is in the interest of science, literature, art, or learning or other objects of general concern; or

(ii) which is kept or used *bona fide* for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or in—

(i) any ancient monument within the meaning of the Ancient Monument and Archaeological Sites and Remains Act, 1958; or 24 of 1958.

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose;

(c) any film in respect of which the provisions of Part II of the Cinematograph Act, 1952 will be applicable. 37 of 1952.

Powers to enter and search.

5. (1) Subject to such rules as may be prescribed, any Gazetted Officer authorised by the State Government may, within the local limits of the area for which he is so authorised,—

(a) enter and search at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed;

(*b*) seize any advertisement or any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure which he has reason to believe contravenes any of the provisions of this Act;

(*c*) examine any record, register, document or any other material object found in any place mentioned in clause (*a*) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act:

Provided that no entry under this sub-section shall be made into a private dwelling house without a warrant:

Provided further that the power of seizure under this clause may be exercised in respect of any document, article or thing which contains any such advertisement, including the contents, if any, of such document, article or thing if the advertisement cannot be separated by reason of its being embossed or otherwise from such document, article or thing without affecting the integrity, utility or saleable value thereof.

2 of 1974. (*2*) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

(*3*) Where any person seizes anything under clause (*b*) or clause (*c*) of sub-section (*1*), he shall, as soon as may be, inform the nearest Magistrate and take his orders as to the custody thereof.

Penalty. 6. Any person who contravenes the provisions of section 3 or section 4 shall be punishable on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and in the event of a second or subsequent conviction with imprisonment for a term of not less than six months but which may extend to five years and also with a fine not less than ten thousand rupees but which may extend to one lakh rupees.

Offences by companies. 7. (*1*) Where an offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Offences to be cognizable and bailable.

8. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be bailable. 2 of 1974.

(*2*) An offence punishable under this Act shall be cognizable.

Protection of action taken in good faith.

9. No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Act.

Power to make rules.

10. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner in which the seizure of advertisements or other articles shall be made, and the manner in which the seizure list shall be prepared and delivered to the person from whose custody any advertisement or other article has been seized;

(*b*) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The law relating to obscenity in this country is codified in sc
292, 293 and 294 of the Indian Penal Code. In spite of these pro
there is a growing body of indecent representation of women o
ences to women in publications, particularly advertisements, e
have the effect of denigrating women and are derogatory tc
Though there may be no specific intention, these advertiser
lications, etc. have an effect of depraving or corrupting per s,
therefore, felt necessary to have a separate legislation t ely
prohibit the indecent representation of women through ar ents,
books, pamphlets, etc.

The salient features of the Bill are:—

(a) Indecent representation of women has been define an
the depiction in any manner of the figure of a woman, her ic
body or any part thereof in such a way as to have the effect of being
indecent or derogatory to or denigrating, women or is likely to
deprave, corrupt or injure the public morality or morals.

(b) It is proposed to prohibit all advertisements, publications etc. which contain indecent representation of women in any form.

(c) It has also been proposed to prohibit selling, distribution, circulation of any books, pamphlets etc. containing indecent representation of women.

(d) Offences under the Act are made punishable with imprisonment of either discription for a term extending to two years and fine extending to two thousand rupees on first conviction. Second and subsequent convictions will attract a higher punishment.

2. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;
The 13th August, 1986.

MARGARET ALVA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill seeks to empower the Central Government to make rules for carrying out the provisions of the Act. The matters in respect of which rules may be made relate to the manner in which seizure of advertisements or other articles shall be made, and the manner in which the seizure list shall be prepared and delivered to the person from whose custody any advertisement or other matter has been seized or any other article, which is required to be, or may be, prescribed by rules under the Act.

The matters in respect of which powers are proposed to be delegated to the Central Government under the provisions of the Bill pertain to matters of administrative detail or procedure.

The delegation of legislative power is, therefore, of a normal character.

SUDARSHAN AGARWAL,
Secretary-General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1986